

RECEIVED *sc*
SUPREME COURT
STATE OF WASHINGTON

10 FEB -4 AM 11:39

BY RONALD R. CARPENTER

NO. 82397-9

hjh
CLERK

IN THE SUPREME COURT OF WASHINGTON

CITY OF SHORELINE, a Municipal Agency; and **DEPUTY
MAYOR MAGGIE FIMIA**, individually and in her official capacity,

Appellants,

v.

DOUG AND BETH O'NEILL, individuals,

Respondents

SECOND STATEMENT OF ADDITIONAL AUTHORITY

Allied Law Group, LLC
Michele Earl-Hubbard
David Norman
Chris Roslaniec

2200 Sixth Avenue, Suite 770
Seattle, WA 98121
(206) 443-0200

Law Offices of Michael Brannan
Michael Brannan

555 Dayton St., Suite H
Edmonds, WA 98020
(425) 774-7500

ORIGINAL

FILED AS
ATTACHMENT TO EMAIL

Pursuant to RAP 10.8, Respondents Doug and Beth O'Neill ("O'Neill") submit the following as additional relevant authority: Beal v. City of Seattle, 150 Wn. App. 865, 209 P.3d 872 (2009); Building Industry Association of Washington v. McCarthy, 152 Wn. App. 720, 218 P.3d 196 (2009);

A. Beal v. City of Seattle

Respondents respectfully submit as additional authority for their Supplemental Brief Beal v. City of Seattle, 150 Wn. App. 865, 209 P.3d 872 (2009) (holding that the "PRA does not require written requests," and that an agency's duty to respond to a PRA request is triggered if the request is an unambiguous request for identifiable public records.)

Specific sections of Respondents' Supplemental Brief where Beal supports the arguments made therein include:

- **Section III, Part C, Sub-part 1** (discussing how a request for email encompasses a request for the record in its native form and with no alterations) (pages 13-16);
- **Section III, Part C, Sub-part 2** (discussing how the definition of "public record" under the PRA, as well as requests, are to be construed broadly) (page 16-22).


B. Building Industry Association of Washington v. McCarthy

Respondents also respectfully submit as additional authority for their Supplemental Brief Building Industry Association of Washington v. McCarthy, 152 Wn. App. 720, 218 P.3d 196 (2009) ("BIAW") (no violation of PRA when agency deletes emails that are "informational copies of administrative materials" according to applicable retention policies and plaintiff fails to show that the requested records existed at the time of the request).

Specific sections of Respondents' Supplemental Brief where BIAW supports the arguments made therein include:

- **Section III, Part A, Sub-part 1** (addressing the Retention Schedule conflict with the PRA found by Division I) (pages 2-3).
- **Section III, Part A, Sub-part 2** (addressing whether the Retention Schedule justified deletion of the requested email) (pages 3-6).

Respectfully submitted this 4th day of February, 2010

By: 
Michele Earl-Hubbard, WSBA #26454
David Norman, WSBA #40564
Chris Roslaniec, WSBA #40568
2200 Sixth Avenue, Suite 770
Seattle, WA 98121



RECEIVED
SUPREME COURT
STATE OF WASHINGTON

10 FEB -4 AM 11:41

BY RONALD R. CARPENTER

CERTIFICATE OF SERVICE

~~CLERK~~

I certify under penalty of perjury under the laws of the State of Washington that on February 4, 2010, I caused the delivery of a copy of the foregoing Statement of Additional Authority to the following by the method indicated:

By email pursuant to agreement and by U.S. Mail:

Flannary P. Collins
Attorney for Appellant City of Shoreline
17500 Midvale Avenue N.
Shoreline, WA 98133
fcollins@shorelinewa.gov

By email pursuant to agreement and by U.S. Mail:

Ramsey Ramerman
Attorney for Appellant Maggie Fimia
2930 Wetmore Ave
Everett, WA 98201-4067
ramseyramerman@gmail.com; RRamerman@ci.Everett.wa.us

By email:

Michael Brannan
Attorney at Law
555 Dayton Street, Suite H
Edmonds, WA 98020
mgbrannan@seanet.com

By U.S. mail to:

William John Crittenden
927 N. Northlake Way, Suite 301
Seattle, WA 98103


FILED AS
ATTACHMENT TO EMAIL

ORIGINAL

Gary T. Smith
Seattle City Attorney's Office
P.O. Box 94769
Seattle, WA 98124

Patrick Denis Brown
6112 24th Avenue N.E.
Seattle, WA 98115

Dated this 4th day of February at Seattle, Washington.



Chris Roslaniec